

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEREK M. SMITH,

Plaintiff,

v.

MARGRET MIMMS,

Defendant.

Case No. 1:22-cv-01638-EPG (PC)

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS
(ECF No. 2)

and

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
FRESNO COUNTY SHERIFF

Plaintiff is a prisoner proceeding *pro se* pursuant to 42 U.S.C. § 1983 and has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing required by 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to Plaintiff's trust account. The Fresno County Sheriff is required to send to the Clerk of Court payments from Plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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1 In accordance with the above and good cause appearing therefore, IT IS HEREBY
2 ORDERED that:

3 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;

4 **2. The Fresno County Sheriff or her designee shall collect payments from**
5 **Plaintiff's prison trust account in an amount equal to twenty percent (20%) of the**
6 **preceding month's income credited to the prisoner's trust account and shall forward**
7 **those payments to the Clerk of Court each time the amount in the account exceeds**
8 **\$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been**
9 **collected and forwarded to the Clerk of the Court. The payments shall be clearly**
10 **identified by the name and number assigned to this action.**

11 3. The Clerk of Court is directed to serve a copy of this order and a copy of
12 Plaintiff's *in forma pauperis* application on the Fresno County Sheriff.

13 4. The Clerk of Court is directed to serve a copy of this order on the Financial
14 Department, U.S. District Court, Eastern District of California, Sacramento Division.

15 5. Within sixty (60) days of the date of service of this order, Plaintiff shall submit a
16 certified copy of his prison trust account statement for the six-month period immediately
17 preceding the filing of the complaint, if Plaintiff has not already done so.

18 IT IS SO ORDERED.

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20 Dated: **January 3, 2023**

21 /s/ Eric P. Gray
22 UNITED STATES MAGISTRATE JUDGE
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